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To: Commissioner for Patents for Examiner George C. Neurauter Group Art Unit 2143	Facsimile No.: 571/273-8300
From: Carrie Parker Legal Assistant to Vicky Ash	No. of Pages Including Cover Sheet: 6
Message:	
Enclosed herewith:	
<ul style="list-style-type: none"> <li>Transmittal of Reply Brief; and</li> <li>Reply Brief.</li> </ul>	
Re: Application No. 10/004,925 Attorney Docket No: AUS920011013US1	
Date: Monday, March 27, 2006	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Gusler et al.**

§ Group Art Unit: 2143

Serial No.: 10/004,925

§ Examiner: Neurauter, George C.

Filed: December 5, 2001

§ Attorney Docket No.: AUS920011013US1

For: **Apparatus and Method for  
Monitoring and Analyzing Instant  
Message Account Transcripts****35525**PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

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By:

*Carrie Parker*  
Carrie Parker**TRANSMITTAL OF REPLY BRIEF**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

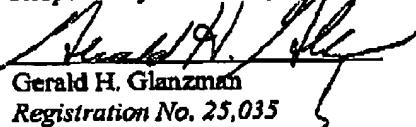
Sir:

ENCLOSED HEREWITHE:

- Reply Brief (37 C.F.R. 41.41).

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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MAR 27 2006

Docket No. AUS920011013US1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Gusler et al.**

§

Group Art Unit: 2143

Serial No. 10/004,925

§

Examiner: Neurauter, George C.

Filed: December 5, 2001

§

For: Apparatus and Method for  
Monitoring and Analyzing Instant  
Messaging Account Transcripts

§

Commissioner for Patents  
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By:

*Carrie Parker*  
Carrie Parker

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## REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on January 27, 2006.

No fees are believed to be required to file a Reply Brief. If any fees are required for filing this Reply Brief, those fees are dealt with in the accompanying TRANSMITTAL OF REPLY BRIEF.

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RESPONSE TO EXAMINER'S REMARKS**A. GROUND OF REJECTION 1 (Claims 1, 7, 8, 11, 17, 18, 21, 27 and 28)**

Claims 1, 7, 8, 11, 17, 18, 21, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Donahue*, U.S. Patent Application Publication Number 2002/0004907 A1. This rejection is respectfully traversed.

Claim 1, which is representative of the other rejected independent claims 11 and 21 with regard to similarly recited subject matter, is reproduced below for the convenience of the Board:

1. A method of monitoring use of an instant messaging source user account, comprising:
  - receiving an instant message from a destination user;
  - searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user;
  - storing the transcript of the received instant message in a storage device in response to determining that the transcript is desired;
  - analyzing the transcript for occurrences of questionable content to thereby identify at least one portion of the transcript having questionable content; and
  - providing the at least one portion of the transcript to a designated monitor of the instant messaging source user account.

Appellants continue to submit that *Donahue* does not disclose "searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user," as recited in claims 1, 11 and 21; and therefore, does not establish a *prima facie* case of obviousness based on *Donahue* for claims 1, 11 and 21. To the contrary, *Donahue* teaches looking for specific text in a communication. *Donahue*'s abstract states that "if a communication contains regular expressions whose sum of weighted values exceeds a threshold, the communication is stored." *Donahue* does not teach, suggest or mention storing a transcript of a received instant message if an approved destination user is not identified in a registry, such as a registry for instant messaging user accounts. *Donahue* bases the storing of a communication on the threshold value.

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In the Examiner's Answer, the Examiner states the following in responding to Appellants' arguments:

The Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Donahue to have a registry of destination users to determine if a transcript of the received instant message is desired since Donahue discloses that destination users are part of the text of a communications message (paragraph 0023 – 0025, specifically "From: "John Doe" [john doe@company-a.net](mailto:john doe@company-a.net)" and discloses that instant messages are contemplated to be used with the invention (see above). Also, Donahue discloses that the determining can be accomplished by setting a threshold value of a regular expression which may include any text including a source user and a destination user and that when the threshold value is met, a transcript is desired (paragraph 0021). Therefore, one of ordinary skill in the art would have found it obvious that a user may set the initial threshold value to a high enough value to where any communication message is saved by basing the initial threshold value to the desired source user account name or electronic address which is stored within the registry and, when a destination user is identified, a negative threshold value (paragraph 0019) is used to bring the threshold value below the threshold so that the communication message is not saved.

Examiner's Answer dated January 27, 2006, page 16 - 17.

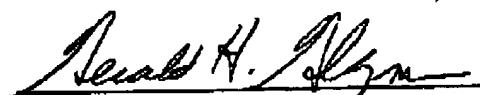
*Donahue does not* disclose that a source address and a destination address are part of the text in an instant message. Paragraph 0023 shows an email message. *Donahue* teaches searching only the language elements of an email. *Donahue*'s first step in Figure 2 teaches ignoring non-textual information (binary, protocol headers, etc.) and extracting one long line of text from data. Page 13, line 31, through page 14, line 12, of the specification for the present invention states that when registering the user with the instant messaging service provider, a parent or guardian may choose to allow their child to communicate with designated friends without having a transcript reported to the parent. When the instant messaging service provider looks-up the routing information for the parties involved in the instant messaging session, the instant messaging service provider can compare the user identification with the list of approved parties and determine whether to store a transcript of the instant messaging session. *Donahue* suggests that the routing information in a protocol header is not searched. *Donahue* does not teach or suggest "searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an

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approved destination user," as recited in claims 1, 11, and 21.

In view of the above, Appellants respectfully submit that claims 1-30 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action and in the Examiner's Answer.



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